

REMARKS

Reconsideration of the present application is respectfully requested. In this response, all previously pending claims have been canceled. Claims 37 – 55 have been newly added.

AMENDMENT TO THE SPECIFICATION

Paragraph [105] of the specification has been amended to correct a minor typographical error. The minor error would have been readily apparent to one of ordinary skill in the art, from context.

SUMMARY OF THE OFFICE ACTION

In the Final Office Action mailed July 7, 2005, the Examiner rejected claims 7-13 under 35 U.S.C. § 101. The Examiner also rejected claims 1–6 and 14–36 under 35 U.S.C. 103(a) as being obvious in light of one or more combinations of the following references: U.S. Patent No. 6,366,970 to Wolff et al. (Hereinafter, “Wolff”); U.S. Patent Application Publication having Publication No. 2001/0034786 to Baumeister et al. (hereinafter, “Baumeister”); U.S. Patent No. 6,708, 213 to Bommaiah et al. (hereinafter, “Bommaiah”); and U.S. Patent No. 6,744,763 to Jones et al. (hereinafter, “Jones”). In addition, the Examiner rejected claims 31 – 37 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

RESPONSE TO REJECTIONS

Section 101 Rejections

The rejections under 35 U.S.C. § 101 are believed to be moot in view of the cancellation of claims 7-13.

### Section 103 Rejections

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The present application, as amended, includes three independent claims, i.e., claims 37, 42 and 52. The invention in claims 37, 46 and 52 is not obvious in view of the references cited by the Examiner, at least because the cited references do not disclose or suggest (individually or in combination) every limitation of any of these claims.

Claim 37, for example, recites

37. (New) A computer system comprising:  
a processor;  
a storage facility coupled to the processor; and  
program code, for execution by the processor, to implement:  
a first plurality of interfaces to initiate reading of packet meta-data and packets of payload data from the storage facility; and

**a second plurality of interfaces to output streaming media packets to a requesting client system, wherein the second plurality of interfaces collectively support a plurality of streaming media protocols, and wherein the streaming media packets comprise the packet meta-data and the packets of payload data and are determined in response to a streaming media protocol requested by the client system.** (Emphasis added.)

None of the cited references discloses or suggests a computer system that includes, *inter alia*, program code to implement a plurality of interfaces that collectively support a plurality of streaming media protocols, and which outputs to a requesting client system streaming media packets that comprise packet meta-data and packets of payload data.

Baumeister discloses an architecture having several components, including a Stream Server Portal and multiple Stream Servers (See Fig. 2). As to the Stream Servers, while each Stream Server may support a different streaming media protocol, each particular Stream Server supports only one such streaming media protocol, not a plurality of streaming media protocols. Therefore, a Stream Server in Baumeister cannot be read as the “computer system” of claim 37.

As to the Stream Server Portal, assuming *arguendo* the Stream Server Portal includes “a plurality of interfaces collectively support a plurality of streaming media protocols” (per claim 1), the Stream Server Portal still cannot be read as the “computer system” of claim 37, because it does not output streaming media payload data to a requesting client, as does the “computer system” of claim 37. The Stream Server Portal outputs streaming meta data to an application (client) (see paragraph 32). However, meta data must not be confused with actual media payload data. The meta data is what allows the client to initiate streaming of the payload data. But in Baumeister, the actual

streaming media payload data is obtained by the client from the appropriate Stream Server, not from Stream Server Portal (see paragraphs 33 – 35). Therefore, the Stream Server Portal also cannot be read as the “computer system” of claim 37.

Furthermore, Baumeister (including paragraphs 27 and 28) cannot be interpreted as suggesting that two or more components of the architecture may be part of the same computer, machine or server. In fact, Baumeister explicitly teaches away from such a concept, by stating that various components are installed on different servers or machines:

... The Stream Servers, media data, Stream Server Portal and the appropriate applications **are stored/installed on different servers**. (Baumeister, paragraph 41; emphasis added).

Thus, Baumeister does not disclose or suggest a single computer system which includes a plurality of interfaces that collectively support a plurality of streaming media protocols, and which outputs to a requesting client system streaming media packets that comprise packet meta-data and packets of payload data.

Likewise, none of the other cited references discloses or suggest such a computer system. Therefore, claim 37 and all claims which depend on it are patentable over the cited art.

The remaining independent claims include similar limitations to those emphasized above and are therefore patentable over the cited art for similar reasons. For example, claim 46 recites:

46. A streaming media cache comprising:

a storage facility to cache streaming media data received from a remote server;  
a protocol independent subsystem to initiate reading of packet meta-data and packets of payload data from the storage facility; and  
**a protocol dependent subsystem to output streaming media packets to a client system, wherein the protocol dependent subsystem supports a plurality of streaming media protocols, and wherein the streaming media packets comprise the packet meta-data and the packets of payload data** and are determined in response to a streaming media protocol requested by the client system, and wherein the packet meta-data and the packets of payload data are read from the storage facility at a pace independent of the requested pace for the streaming media packets.  
(Emphasis added.)

Claim 52 recites:

52. (New) A method of streaming media data from a streaming media cache, the method comprising:  
receiving, at the streaming media cache, a first request for streaming media data from a first client system, the first request identifying streaming media data and a streaming media format supported by the first client system;  
determining whether the streaming media data requested by the first client system is in storage at the streaming media cache;  
if the streaming media data requested by the first client system is in storage at the streaming media cache, **then streaming the streaming media data from the streaming media cache to the first client system, in accordance with the streaming media format supported by the first client system;**  
receiving, at the streaming media cache, a second request for streaming media data from a second client system, the second request identifying streaming media data and a streaming media format supported by the second client system, **wherein the streaming media format supported by the second client system is different from the streaming media format supported by the first client system;** and  
determining whether the streaming media data requested by the second client system is in storage at the streaming media cache; and  
if the streaming media data requested by the second client system is in storage at the streaming media cache, **then streaming the streaming media data requested by the second client from the streaming media cache to the second client system, in accordance with the streaming media format supported by the second client system.** (Emphasis added.)

Therefore, independent claims 46 and 52 and all claims which depend on them are also patentable over the cited art, for reasons similar to claim 37.

In addition, claim 46 recites further limitations that are also not disclosed or suggested in the cited art. Specifically, claim 46 recites:

46. A streaming media cache comprising:
  - a storage facility to cache streaming media data received from a remote server;
  - a **protocol independent** subsystem to initiate reading of packet meta-data and packets of payload data from the storage facility; **and**
  - a **protocol dependent** subsystem to output streaming media packets to a client system, wherein the protocol dependent subsystem supports a plurality of streaming media protocols, and wherein the streaming media packets comprise the packet meta-data and the packets of payload data and are determined in response to a streaming media protocol requested by the client system, and wherein the packet meta-data and the packets of payload data are read from the storage facility at a pace independent of the requested pace for the streaming media packets. (Emphasis added.)

None of the cited references discloses or suggests a streaming media cache that includes a protocol independent subsystem to initiate reading of packet meta-data and packets of payload data from the storage facility, and a protocol dependent subsystem to output streaming media packets to a client system. For this additional reason, therefore, claim 46 and all claims which depend on it are patentable over the cited art. Note also that a similar limitation is recited in dependent claim 38.

#### DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent

claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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